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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,454	08/30/2001	Steven B. Horn	21710-67943	9738

28062 7590 02/13/2006

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EXAMINER
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OYEBISI, OJO O

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/942,454

Applicant(s)

HORN ET AL.

Examiner

OJO O. OYEBISI

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/08/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/07/02</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant limitations recited in claim 11-13 are not clear, and thus indefinite.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 11-13 cannot be examined on the merit because the limitations recited in claims 11-13 are indefinite, and thus the claimed subject matter is not clear to the examiner. Appropriate correction is required.**

4. Claims 1-6, and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferstenberg et al (Ferst hereinafter, US PAT: 5,873,071).

Re claim 1. Ferst discloses a method for transaction management and processing in a trading environment comprising: providing an Order Management System for receiving Orders; processing Orders, by way of said Order Management System (see abstract, also see col.39 lines 25-67 through col.40 lines 1-67), whereby processing Orders

further comprising the steps of; providing Orders from an Order Management System to an Exchange (see col.41 lines 17-50, also see col.42 lines 5-30); and, providing transaction information for Orders from an Exchange to an Order Management System (see col.41 lines 17-50, also see col.42 lines 5-30); and whereby said Order Management System comprises components selected from the group comprising; at least two cooperating services, in-memory cache (see col.41, lines 10-15, also see col.51, lines 5-10), and client API (see col.39 lines 25-65).

Re claim 2. First further discloses a method wherein the step of providing an Order Management System for receiving Orders further comprises providing said Order Management System in a distributed computing environment (see abstract).

Re claim 3. First further discloses a method wherein the step of providing an Order Management System for receiving Orders further comprises providing said Order Management System in a multi-threaded implementation (see col.51 lines 37-40).

Re claim 4. First further discloses a method wherein said components are, at least in part, written in C++ (see col.51 lines 27-30).

Re claim 5. First further discloses a method for order processing comprising; accepting an Order through a client API; providing, from said client API, said Order to a Session Manager; providing a session for said Order; transmitting said Order from said Session Manager to an Entry Service; and, attempting to Validate said Order through a Validation Service (see col.41 lines 40-67).

Re claim 6. First discloses a method further comprising the step of failing to Validate said Orders (i.e., removing problematic data, see col.44 lines 15-20).

Re claims 14, 15, and 17. Ferst further discloses an Order Management System comprising at least two cooperating services, an in-memory cache (see col.41, lines 10-15, also see col.51, lines 5-10), and a client API (see col.39 lines 25-65), implemented on a distributed computing platform (see abstract).

Re claim 16. Ferst further discloses an Order Management Network comprised of at least one Order Management System (see fig.5).

Re claim 18. Ferst further discloses a toolkit, wherein said cooperating services components further comprise; a Session Manager (i.e., supervisor subsystem, see col.45 lines 13-35); an Entry Service (see col.42 lines 5-10); a Validation Service (see col.41 lines 11-15); a Transaction Service (i.e., orders see col.42 lines 5-10); a Collection Service (i.e., reporting service see col.44 line 65 through col.45 line 20, also see col.42 lines 5-10); and a Notification Service (i.e., broadcast message see col.42 lines 5-10).

Re claim 19. Ferst further discloses a toolkit wherein said cooperating service components are written, at least in part, in C++ (see col.51 lines 27-30).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferst in view of Guttermann et al (Gutt hereinafter, US PAT: 5,297,031).

Re claims 7 and 10. Ferst discloses a method further comprising the steps of: validating said Order/object (see col.41 lines 11-15); notifying an Entry Service through said Validation Service (see col.42 lines 5-10);; transmitting said Order from said Entry Service to a Transaction Service (i.e., orders see col.42 lines 5-10). Ferst does not explicitly disclose creating an Object for said Order. However, Gutt makes this disclosure. ). Thus, it would have been obvious to one of ordinary skill in the art to combine Ferst with Gutt to implement user-definability of the OMS system.

Re claim 8. Ferst does not explicitly disclose a method wherein the step of creating an Object for said Order comprises creating an Order Object. However, Gutt makes this disclosure (see col.10 lines 15-50). Thus, it would have been obvious to one of ordinary skill in the art to combine Ferst with Gutt to implement user-definability of the OMS system.

Re claim 9. Ferst does not explicitly disclose a method wherein the step of creating an Object for said Order comprises creating an Execution Object. Gutt makes this disclosure (i.e., a fill pane object see col.10 lines 15-50). Thus, it would have been obvious to one of ordinary skill in the art to combine Ferst with Gutt to implement user-definability of the OMS system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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